

### REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application, and for the personal interview conducted on June 30, 2004. The application has been carefully reviewed in light of the Office action and interview, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claim 1 remains in this application. Claims 2-11 have been canceled. Claims 12-24 have been added without adding any new matter.

The Examiner objected to the specification for not including an abstract. An Abstract is attached to this response.

The Examiner objected to the drawings because figures 2, 5, and 7 have elements identified in a foreign language. New drawings have been provided to the Examiner.

Claims 4-9 were objected to as being in improper form. These claims have been canceled, making the objection moot.

Claims 1-3 and 10 are rejected under 35 U.S.C. §102(b) as being by Moser *et al.* (WO 85/00509). For the following reasons, the rejection is respectfully traversed.

As discussed in detail at the personal interview with the Examiner and the Examiner's supervisor, claim 1 is directed toward a hearing device fitting device with a connection for *connecting to the hearing device*. Moser does not teach any connection to a hearing device. Instead, Moser shows a hearing aid that is

subjected to an audio signal from a device (see Fig. 16), but there is no connection from the device to the hearing aid. A close reading of Moser supports that Moser does not teach any such connection. At the personal interview, both the Examiner and the Examiner's supervisor agreed that there did not appear to be any such connection taught by Moser. Accordingly, claim 1 is patentable over the reference.

New claim 20 has limitations that similarly recite a connection between the fitting device and the hearing device, and thus claim 20 is patentable over the reference for at least the same reason discussed for claim 1.

New claims 23 and 24 have additional limitations not taught by the reference, and thus are patentable over the reference. Finally, the remaining claims are each dependent, directly or indirectly, on one of the above claims, and thus are patentable over the reference for at least the same reason as the parent claim.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appl. No. 09/385,651  
Amdt. Dated July 26, 2004  
Reply to Office action of March 24, 2004

If there are any additional fees resulting from this communication, please  
charge same to our Deposit Account No. 16-0820, our Order No. 31949.

Respectfully submitted,

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### ABSTRACT

A hearing device fitting device that includes a computing device (3), connected on an input side with a connection (E3) for data entry and on an output side with a connection (A3) for a hearing device. The hearing device fitting device further includes an audio storage medium play-back unit having a control input (E9) connected to a computing device (3) output and having an audio output (A3) connectable to a loud speaker unit (11) input. The device supports a method a method for fitting the hearing device in situ by applying the hearing device to an individual; subjecting the individual to an audio test signal; having the individual appraise said audio test signal; and automatically selecting, in dependency of said appraising, a subsequent audio test signal.